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**BEFORE THE
RESPIRATORY CARE BOARD
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

In the Matter of the Accusation Against:

Case No. R-2017

DARREN G. DYE
4847 Harrison Street
Chino, California 91710

A C C U S A T I O N

Respiratory Care Practitioner License No. 23663

Respondent.

Complainant alleges:

PARTIES

1. Stephanie Nunez (Complainant) brings this Accusation solely in her official capacity as the Executive Officer of the Respiratory Care Board of California (Board), Department of Consumer Affairs.

2. On or about June 25, 2004, the Board issued Respiratory Care Practitioner License Number 23663 to Darren G. Dye (Respondent). This license was in full force and effect at all times relevant to the charges brought herein and will expire on January 31, 2007, unless renewed.

JURISDICTION

3. This Accusation is brought before the Board under the authority of the

1 following laws. All section references are to the Business and Professions Code unless otherwise
2 indicated.

3 4. Section 3710 of the Code states: “The Respiratory Care Board of
4 California, hereafter referred to as the board, shall enforce and administer this chapter [Chapter 8.3,
5 the Respiratory Care Practice Act].”

6 5. Section 3718 of the Code states: “The board shall issue, deny, suspend, and
7 revoke licenses to practice respiratory care as provided in this chapter.”

8 6. Section 3750 of the Code states:

9 “The board may order the denial, suspension or revocation of, or the imposition of
10 probationary conditions upon, a license issued under this chapter, for any of the following
11 causes:

12 “ . . .

13 “(k) Falsifying, or making grossly incorrect, grossly inconsistent, or unintelligible
14 entries in any patient, hospital, or other record.

15 “ . . .

16 “(m) Denial, suspension, or revocation of any license to practice by another
17 agency, state, or territory of the United States for any act or omission that would constitute
18 grounds for the denial, suspension, or revocation of a license in this state. . . .”

19 7. Section 3750.5 of the Code states:

20 “In addition to any other grounds specified in this chapter, the board may deny,
21 suspend, or revoke the license of any applicant or license holder who has done any of the
22 following:

23 “(a) Obtained or possessed in violation of law, or except as directed by a licensed
24 physician and surgeon, dentist, or podiatrist administered to himself or herself, or furnished
25 or administered to another, any controlled substances as defined in Division 10
26 (commencing with Section 11000) of the Health and Safety Code. . . .

27 “ . . .

28 “(f) Falsified, or made grossly incorrect, grossly inconsistent, or unintelligible

1 entries in any hospital, patient, or other record pertaining to the substances described in
2 subdivision (a)."

3 8. Section 11173 of the Health and Safety Code states:

4 "(a) No person shall obtain or attempt to obtain controlled substances, or procure or
5 attempt to procure the administration of or prescription for controlled substances, (1) by
6 fraud, deceit, misrepresentation, or subterfuge; or (2) by the concealment of a material fact.

7 "(b) No person shall make a false statement in any prescription, order, report, or
8 record, required by this division.

9 "(c) No person shall, for the purpose of obtaining controlled substances, falsely
10 assume the title of, or represent himself to be, a manufacturer, wholesaler, pharmacist,
11 physician, dentist, veterinarian, registered nurse, physician's assistant, or other authorized
12 person.

13 "(d) No person shall affix any false or forged label to a package or receptacle
14 containing controlled substances."

15 16 COST RECOVERY

17 9. Section 3753.5, subdivision (a) of the Code states:

18 "In any order issued in resolution of a disciplinary proceeding before the board, the
19 board or the administrative law judge may direct any practitioner or applicant found to
20 have committed a violation or violations of law to pay to the board a sum not to exceed the
21 costs of the investigation and prosecution of the case."

22 10. Section 3753.7 of the Code states:

23 "For purposes of the Respiratory Care Practice Act, costs of prosecution shall
24 include attorney general or other prosecuting attorney fees, expert witness fees, and other
25 administrative, filing, and service fees."

26 11. Section 3753.1, subdivision (a) of the Code states:

27 "An administrative disciplinary decision imposing terms of probation may include,
28 among other things, a requirement that the licensee-probationer pay the monetary costs

1 associated with monitoring the probation."

2 CAUSE FOR DISCIPLINE

3 (Revocation of a License to Practice by Another Agency)

4 12. Respondent is subject to disciplinary action under section 3750,
5 subdivision (m) of the Code in that respondent's Registered Nurse License was revoked by the
6 California Board of Registered Nursing (BRN) effective June 17, 2005. The circumstances are as
7 follows:

8 A. On or about August 31, 1992, the BRN issued Registered Nurse License
9 Number 481595 to respondent. On or about September 15, 2004, the BRN filed a First
10 Amended Accusation against respondent alleging that from about January 2001 through
11 May 2004, respondent diverted the controlled substances Ativan, Demerol, and Morphine,
12 and falsified or made grossly incorrect entries in hospital and patient records. Respondent
13 failed to appear at a scheduled hearing on January 21, 2005, and a Default Decision and
14 Order was issued revoking his Registered Nurse License based on the matters alleged in
15 the First Amended Accusation.

16 B. The facts as alleged in paragraph 12.A. constitute grounds for denial,
17 suspension or revocation of respondent's respiratory care practitioner license under
18 Business and Professions Code sections 3750.5, subdivision (a) (possession of a controlled
19 substance in violation of Health and Safety Code section 11173(a)); and 3750, subdivision
20 (k) and 3750.5, subdivision (f) (falsifying or making grossly incorrect entries in a patient or
21 hospital record).

22 PRAYER

23 WHEREFORE, Complainant requests that a hearing be held on the matters herein
24 alleged, and that following the hearing, the Respiratory Care Board issue a decision:

25 1. Revoking or suspending Respiratory Care Practitioner License Number
26 23663 issued to Darren G. Dye;

27 2. Ordering Darren G. Dye to pay the Respiratory Care Board the costs of the
28 investigation and enforcement of this case, and if placed on probation, the costs of probation

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monitoring;
3. Taking such other and further action as deemed necessary and proper.
DATED: March 2, 2006

Original signed by Liane Zimmerman for: _____
STEPHANIE NUNEZ
Executive Officer
Respiratory Care Board of California
Department of Consumer Affairs
State of California
Complainant